

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE VIII, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO CLEARLY DISTINGUISH BETWEEN LEGITIMATE ESCORTS HOLDING PERMITS ISSUED BY THE CITY OF ATLANTA UNDER ITS POLICE POWERS, AND PERSONS WHO PERFORM CRIMINAL ACTS AS DETERMINED BY STATE LAW; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain businesses and industries which could potentially affect the public health, safety, and welfare including those businesses which relate to Escort Services, (O.C.G.A. § 48-13-9 (29)); and

WHEREAS, City of Atlanta Code of Ordinances Chapter 30, Article VIII, Division 2, Sections 30-651 and 30-338 respectively require persons operating escort services or working for an escort service in the City of Atlanta to apply for and obtain permits issued by the City; and

WHEREAS, currently, the State of Georgia prohibits persons from performing, offering, or consenting to perform a sexual act, including but not limited to sexual intercourse or sodomy, for money or other items of value, (O.C.G.A. § 16-6-9); and

WHEREAS, it is the desire of the Atlanta City Council to clearly distinguish between persons who perform such prohibited acts, and legitimate escorts holding permits issued by the City of Atlanta; and

WHEREAS, a revision of Chapter 30, Article VIII, of the City of Atlanta Code is required to make such a distinction.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That Chapter 30, Article VIII, Division 1, Section 30-641 of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert the following language in lieu thereof so that said section shall read as follows:

Sec. 30-641. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Escort means a person who is held out to the public to be available for hire; and who; for monetary consideration in the form of a fee, commission or salary, consorts with, or accompanies or who offers, for monetary consideration, to consort or accompany another or others to social affairs, entertainments or places of amusement or within any place of public resort or within any private quarters.

*Escort **service*** means a person or an entity who, for a fee, commission, profit, payment or other monetary consideration, furnishes, refers to, offers to furnish or refer escorts, or provides or offers to introduce patrons to escorts.

*Escort **service** runner* means an employee, agent or independent contractor of the service who, after the service receives a call from a prospective customer, goes to the customer's location to collect the escort fee and to make other necessary arrangements.

Offer to provide acts of sexual conduct means to offer, propose or to solicit to provide sexual conduct to a patron. Such definition includes all conversations, advertisements and acts which would lead a reasonably prudent person to conclude that such acts were to be provided.

Sexual conduct means the engaging in or the commission of an act of sexual intercourse, sodomy or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

Section 2: That Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances is hereby amended to create a new Division 4, to be entitled "Operational Rules and Prohibited Acts" which shall read as follows:

DIVISION 4. OPERATIONAL RULES AND PROHIBITED ACTS

Sec. 30-669. Operational Rules.

(a)Each person authorized to operate as an escort under this article shall operate from an open office.

(b)Each person or entity authorized to operate as an escort service under this article shall:

1. Maintain an open office at an established place of business;
2. Deliver contracts to every patron or customer.

Sec. 30-670. Certain Acts by Escorts Prohibited.

No person authorized to operate as an escort under this article shall:

1. Employ or use an escort service runner;
2. Advertise that sexual conduct will be provided to the patron or work for an escort service which so advertises;
3. Solicit, offer or provide sexual conduct to an escort patron, or accept an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort service;
4. Work as an escort without having a current employee permit issued for the referring escort service in their possession at all times when working as an escort;
5. Accept a fee from a patron who has not first been delivered a contract.

Sec. 30-671. Certain Acts by Escort Services Prohibited.

No person or entity authorized to operate as an escort service under this article shall:

1. Employ an escort service runner as an employee, agent or independent contractor;
2. Advertise that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided referred or introduced to a patron;
3. Solicit, offer to provide or provide acts of sexual conduct to a patron;
4. Employ, contract with or provide or refer escorts who do not possess employee permits as required in section 30-668 of this article.

Section 3: That all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE BYRD

Dept.'s Legislative Liaison: Kurt Braunsroth

Contact Number: 404-853-4266

Originating Department: Atlanta Police Department

Committee(s) of Purview: Public Safety and Legal Administration

Anticipated Committee Meeting Date(s): Cycle 5 March 9, 2010; March 30, 2010

Anticipated Full Council Date: April 19, 2010

Legislative Counsel's Signature: s/Amber A. Robinson 404-330-6494

Commissioner Signature:

Chief Procurement Officer Signature: N/A

CAPTION

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Mayor's Staff Only

Received by CPO:

(date)

Received by LC from CPO:

(date)

Received by Mayor's Office:

(date)

Reviewed by:

(date)

Submitted to Council:

(date)